REMARKS

Claims 1-80 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 121 Restriction:

In response to the Examiner's restriction requirement under 35 U.S.C. § 121, Applicant elect Invention II **with traverse**. Applicant traverses the restriction requirement on the grounds that the Examiner has not stated a proper restriction requirement. The Examiner states that each of Inventions I-IV are related to one another as subcombinations disclosed as usable together in a single combination." However, none of Inventions I-IV are *disclosed* as *subcombinations* usable together *in a single combination*. A proper restriction requirement under M.P.E.P. 806.05(d) requires that the subcombinations "do not overlap in scope". However, while not having identical scope, each of the present independent claims has clear overlap in scope. The Examiner appears to have misunderstood the concept of subcombinations usable together in a single combination. For a proper restriction, subcombinations are separate and distinct non-overlapping components of a larger system (the combination). For example, a seat bracket and a gear mechanism are subcombinations of a bicycle (the combination). A seat bracket and a gear mechanism are separate and distinct components that do not overlap in scope (i.e., are mutually exclusive). The independent claims of the present application are clearly not directed to separate non-overlapping subcombinations. To the contrary, they all pertain to employing or generating a vendor-independent web service architecture. While there are differences in scope between the independent claims, the independent claims also clearly overlap in scope and are thus not restrictable subcombinations. *See* M.P.E.P. 806.05(d).

Furthermore, according to M.P.E.P. 806.05(d), to state a proper restriction requirement for subcombinations usable together in a single combination, "[t]he Examiner must show, by way of example, that one of the subcombinations has utility

other than in the disclosed combination." Moreover, M.P.E.P. 806.05(d) also states that "the burden is on the Examiner" to make this showing. The Examiner appears to have misunderstood the requirement for a subcombination to have utility *other than in the disclosed combination*. The Examiner merely points to differences between the claims. However, **by definition**, true subcombinations will always have different utility *with respect to one another* by their very nature of being separate and distinct non-overlapping components of a larger system (combination). The requirement of M.P.E.P. 806.05(d) is that a subcombination have a "utility other than in the disclosed combination." All the examples given by the Examiner clearly apply to the same overall combination as disclosed in the specification. Therefore, the Examiner has not stated a proper restriction requirement.

Another shortcoming of the Examiner's restriction requirement is in regard to the requirement of M.P.E.P. § 808 for the Examiner to also show "reasons why there would be a serious burden on the examiner if restriction is not required". In regard to this requirement, the Examiner states that the inventions have acquired a separate status in the art as shown by their different classification. Applicants traverse the Examiner's statement. The classifications are inaccurate. Moreover, any of the asserted classifications could apply to all the claims. Thus, the classifications do not establish that each invention has acquired a separate status in the art. Therefore, the restriction requirement is improper.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-66300/RCK.

Respectfully submitted,

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